

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

MICHELLE CAIN and RADHA  
SAMPAT, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

REDBOX AUTOMATED RETAIL,  
LLC, a Delaware limited liability  
company,

Defendant.

Case No. 2:12-cv-15014-GER-RSW

Hon. Gerald E. Rosen

Mag. Judge R. Steven Whalen

**DECLARATION OF ARI J. SCHARG  
IN SUPPORT OF PLAINTIFFS' REPLY  
IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I hereby declare and state as follows:

1. I am a citizen of the state of Illinois, and I am over the age of eighteen years old. I make this declaration based upon personal knowledge unless otherwise indicated. If called upon to testify as to the matters stated herein, I could and would competently do so.

2. I make this declaration in support of Plaintiffs' Reply in Support of Motion for Partial Summary Judgment.

3. I am a partner at the law firm of Edelson PC, the law firm that has been retained to represent the named Plaintiffs, Michelle Cain and Radha Sampat,

in this matter.

4. Attached hereto as Exhibit 1-A is a true and accurate copy of a portion of the May 9, 2014 deposition of Defendant's Redbox Automated Retail, LLC's ("Redbox" or "Defendant") 30(b)(6) designee, Michael Wokosin. In the transcript, Defendant stipulated that discovery obtained in a parallel action brought under the federal Video Protection Privacy Act, captioned *Sterk v. Redbox Automated Retail, LLC*, Case No.11-cv-1729 (N.D. Ill.), could be used in this case pursuant to the Protective Order (Dkt. 34).

5. Attached hereto as Exhibit 1-B is a true and accurate copy of Defendant's Objections and Designations in Response to Plaintiff Michelle Cain's Rule 30(b)(6) Notice of Deposition, stipulating that testimony from the *Sterk* action could be used in this case.

6. Attached hereto as Exhibit 1-C is a true and accurate copy of copy of a letter I wrote to opposing counsel, confirming that deposition testimony and documents produced in the *Sterk* action could be used in this case.

7. Attached hereto as Exhibit 1-D is a true and accurate copy of a portion of Eric Hoersten's December 18, 2012 deposition transcript. Eric Hoersten was produced as Redbox's 30(b)(6) designee in the *Sterk* action.

8. Attached hereto as Exhibit 1-E is a true and accurate copy Defendant's First Supplemental Response to Interrogatory Number 3 of Plaintiff

Jiah Chung's First Set of Interrogatories in the *Sterk* action.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th Day of November at Chicago, Illinois.

s/ Ari J. Scharg

**CERTIFICATE OF SERVICE**

I, Ari, J. Scharg, an attorney, certify that on November 11, 2014, I served the above and foregoing ***Declaration of Ari J. Scharg in Support of Plaintiffs' Reply in Support of Motion for Partial Summary Judgment***, by causing true and accurate copies of such paper to be filed and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

s/ Ari J. Scharg \_\_\_\_\_